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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/553,663	04/21/2000	Janne Hyotylainen	460-009386-US (PAR0	6571

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/07/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/553 663

Applicant(s)

Hyotylainen

Examiner

T. Chiang

Group Art Unit

2642

#13

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 3-19-04
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 4-6, 10-25 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 4-6, 10-25 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of References Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

## **CLAIMS**

### **Art Rejection**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4-5, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Gleich (DE 3323858).

Regarding claim 1, Gleich shows:

A display (display in fig. 1);

Means (5, 6) for performing key function having first part (number keys 5) and a second part (6);

An electro-acoustic transducer (8);

A housing (7) having a first end (4 which is next 2), a second end (4 which is next to 3) and a front panel (keypad panel);

A cover part (3) having a first limit position (3 is closed) which the first key part is covered, and a second limit position (fig. 1) which the key parts and the display are uncovered;

The display is nearer the first end (next to 2) than the means for performing key functions (5) and the transducer (3), the second part (6) is nearer the first end (next to 2) than the first part (5).

Regarding claim 4-5, 18, Gleich shows:

The transducer and its cover (8, 3) which is located close to the first end (4);

The pivotal cover/flap (3)

3. Claims 1, 4-6, 10-13, 17, 19-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hansen et al. (US 6370362).

Regarding claim 1, Hansen shows:

A display (1);

Means (7-8) for performing key function having first part (number keys 7) and a second part (8);

An electro-acoustic transducer (43);

A housing (see 2) having a first end (antenna end), a second end (next to 5) and a front panel (keypad panel);

A cover part (5) having a first limit position (fig. 1) which the first key part (7) is covered, and a second limit position (fig. 2) which the key parts and the display are uncovered;

The display (1) is nearer the first end (antenna end) than the means for performing key functions (7-8) and the transducer (43), the second part (8) is nearer the first end (antenna end) than the first part (7).

Regarding claims 4-6, 10-13, 17, 19-25, Hansen shows:

The transducer and its cover (43, 5) which is located close to the first end (antenna end);

The sliding features (see fig. 2);

The first limit position (fig. 1) which the first key part (7) is covered, and the second key part (8) remains uncovered;

Means (15) for detecting the position of the cover part (see fig. 14);

Means (fig. 14) for using the information regarding the position of the cover (5)

The push-button keys (7);

The key for control functions (8);

A text mode for writing text (i.e. NAMES in fig. 14);

The display and its orientation (1);

The cover (5) provide a key-lock function or disablement of an uncovered part of key functions (fig. 14);

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Gleich.

Regarding claim 18, Henson shows a sliding mechanism.

Henson differs from the claimed invention in that it is not a pivot.

However, Gleich shows a pivot (4) for pivotally mounting the housing parts.

Hence, in the phone environment, it is common seen that phone housing parts are either connected by slide or pivot. From the two embodiments disclosed by applicant, one is pivot, and the other one is slide, it can also be seen that there is no teaching of criticality for slide over pivot, or vice versa. In this particular environment, the basic concept of providing a slide or a pivot with the phone is to provide a cover/transducer which can be extended away from the main housing of the phone. Therefore, it would have been obvious for one skilled in the art to replace Henson's slide with a pivot with/without the teaching of Gleich, as long as the basic concept of providing a phone having a extendable cover/transducer substantially unchanged.

6. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Henson in view of Joyce (EP 0802659).

Regarding claims 14-16, Henson shows the keys and the display.

Henson differs from the claimed invention in that it dose not explicitly mention that the keys and the display can be touch-sensitive screen.

However, it is commonly seen that touch screen is used for keys and display. This is shown by Joyce (see 24).

Hence, the concept of providing keys and display is well taught by Henson, it would have been obvious for one skilled in the art to use touch screen for Henson's keys and display with/without the teaching of Joyce, because such touch screen is commonly used in the phone environment, and it is simply an alternative to Henson.

### **ARGUMENT**

7. In response to the remarks filed on 08-08-03, US 6073034 is withdrawn, therefore, no further discussion is made regarding that reference. Argument is answered by the rejections above.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).



Jack Chiang  
Primary Examiner  
Art Unit 2642